

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Thomas H. Van Hoozer (Reg. #32,761) on March 31, 2010.

The application has been amended as follows:

#### IN THE CLAIMS:

Claim 1 has been changed to:

1. (Currently amended) A rolling fluid machine comprising:  
a chamber having an inner surface and an inner space, where at least a part of said inner surface has a rotary shape and the chamber is provided with at least one fluid inlet and at least one fluid outlet; and  
a rolling rotor comprising a wall and mounted in the chamber to provide a clearance between the rotor and the inner surface in a manner enabling rolling and swinging, wherein, a first space is provided in the chamber below the rotor and a second space is provided in the chamber above the rotor, and wherein the first space below the rotor and the second space above the rotor are directly fluidically interconnected by at least one channel, wherein the channel comprises one of an opening through the wall of the rotor and a channel arranged outside the inner space of the chamber, in addition to the clearance.

Claim 2 has been changed to:

2. (Currently amended) The rolling fluid machine as set forth in  
[[Claim]] claim 1, wherein ~~the rotor includes a wall and wherein~~ the channel comprises  
an opening through the wall of the rotor.

Claim 3 has been changed to:

3. (Currently amended) The rolling fluid machine as set forth in  
[[Claim]] claim 1, wherein ~~the chamber includes an inner space and wherein~~ the channel  
is arranged outside the inner space of the chamber.

Claim 6 has been changed to:

6. (Canceled)

**REASONS FOR ALLOWANCE:**

2. The following is an examiner's statement of reasons for allowance: The instant invention is deemed to be an unobvious improvement over the invention patented in CZ 13837 (Sterba hereinafter). The improvement comprises wherein a first space below the rotor and the second space above the rotor are directly fluidically interconnected by at least one channel, wherein the channel comprises one of an opening through a wall of a rotor and a channel arranged outside an inner space of a chamber. Sterba does not disclose the spaces above and below the rotor as being directly fluidically interconnected nor does Sterba disclose the channel comprising an opening through the wall of the rotor.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron R. Eastman whose telephone number is (571)270-3132. The examiner can normally be reached on Mon-Thu 9:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron R. Eastman/  
Examiner, Art Unit 3745

/Edward K. Look/  
Supervisory Patent Examiner, Art Unit 3745